

REMARKS

Reconsideration of the present application is respectfully requested in view of the arguments set forth herein.

In the Office Action, claims 1-9, 11-23, 25-36 and 38-73 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Cuiper (U.S. Patent No. 4,699,215). Applicants respectfully traverse the Examiner's rejections.

As the Examiner well knows, an anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. *In re Bond*, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). To the extent the Examiner relies on principles of inherency in making the anticipation rejections in the Office Action, inherency requires that the asserted proposition necessarily flow from the disclosure. *In re Oelrich*, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981); *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1463-64 (Bd. Pat. App. & Int. 1990); *Ex parte Skinner*, 2 U.S.P.Q.2d 1788, 1789 (Bd. Pat. App. & Int. 1987); *In re King*, 231 U.S.P.Q. 136, 138 (Fed. Cir. 1986). It is not enough that a reference could have, should have, or would have been used as the claimed invention. "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Oelrich*, at 326, quoting *Hansgirk v. Kemmer*, 40 U.S.P.Q. 665, 667 (C.C.P.A. 1939); *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993), quoting *Oelrich*, at 326; see also *Skinner*, at 1789. "Inherency ... may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Skinner*, at 1789, citing *Oelrich*. Where anticipation is found through inherency, the Office's burden of establishing prima facie anticipation includes the burden of providing "...some evidence or scientific reasoning to

establish the reasonableness of the examiner's belief that the functional limitation is an inherent characteristic of the prior art." *Skinner* at 1789.

It is respectfully submitted that the latest applied reference – Cuiper – is even more far afield from the pending claims than Pallini (U.S. Patent Publication No. 2001/0045286), a reference that was asserted in the Final Office Action dated May 25, 2006. Thus, it is simply not understood how Cuiper can be asserted to anticipate the pending claims.

Respectfully, there are many deficiencies in the Examiner's rejections. First, it is clear that the Examiner identifies item 41 in Cuiper as the locking segments, and that the Examiner believes that the items 25, 35, 51 constitute the locking mandrel as recited in the claims. Office Action, p. 2. The applied reference – Cuiper – defines these items as a sliding housing 25 (Col. 2, ll. 48-49), a backup segment 35 (Col. 3, l. 1), and a knob 51 (Col. 3, ll. 55-57). It is unclear how the Examiner could consider the knob 51 to be a mandrel as recited in the claims.

Other than the specifics mentioned above, it is unclear what structure the Examiner relies upon in Cuiper for rejecting the pending claims. For example, the Examiner never specifically identifies what items he considers to be the "first component" and the "second component" as recited in the claims. Respectfully, having failed to properly identify the claimed first and second components may have led the Examiner to a misapplication of the Cuiper reference.

Obviously, the connector in Cuiper is item 15. Claim 1 requires that a first end of the connector be coupled to the "first component." It is believed that the only possible structure that might meet this "first component" limitation is the riser 17. However, it should be noted that the connector 15 in Cuiper is coupled to the riser 17 by a threaded connection by bolts 19. See Figure 1. Presumably, the Examiner believed the "second component" in Cuiper was the wellhead 11.

With this understanding, Cuiper is very far afield from the inventions set forth in the pending claims. Among other things, claim 1 recites that each of the locking segments has a first primary locking shoulder for engaging the first component **and** a second primary locking shoulder for engaging the second component. This basic structure is simply not present in Cuiper. As understood by the undersigned, at no point do the locking segments 41 (as identified by the Examiner) ever engage the first component – the riser 17. It is not even clear that the connector 15 described in Cuiper could be modified so as to meet this express claim limitation. In any event, it is clear that each of the locking segments 41 (identified by the Examiner) do not have locking shoulders that engage both the first and second components as recited in the claims. For at least this reason, the Examiner's anticipation rejection of all pending claims should be withdrawn. The above arguments apply equally with respect to all pending independent claims.

Further comments are warranted with respect to at least some of the dependent claims that were rejected even though there does not appear to be any structure in Cuiper that would meet the limitations set forth in these claims. For example, dependent claim 11 further limits claim 1 by requiring that each of the locking segments have first and second secondary shoulders for engaging first and second secondary shoulders on the first and second components, respectively. Respectfully, there does not appear to be any structure in Cuiper that could even be argued to be the secondary shoulders recited in dependent claim 11. This argument applies equally to other dependent claims having the same limitations as set forth in claim 11.

As another example, dependent claim 16 recites that the locking mandrel is operatively coupled to a primary piston. Respectfully, Cuiper does not disclose or suggest such a structure. In fact, Cuiper teaches away from the use of such a hydraulic actuator in the connector disclosed therein. See, *e.g.*, Col. 1, ll. 36-41 and 56-62. Dependent claim 17 further recites that the

connector comprises a secondary release piston for use in moving the primary piston in claim 16. This argument applies equally to other dependent claims having the same limitations as set forth in claims 16 and 17.

From the foregoing, it is respectfully submitted that there are many aspects of the pending claims that are clearly not present in Cuiper. Accordingly, it is respectfully submitted that all pending claims are in condition for immediate allowance.

The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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